



Practitioner's Docket No. 56667 RCE (71980)

PATENT

3-11-04

RCE  
3722

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor application of: Hauschild  
Application No.: 10/019,749  
Filed: December 21, 2001

Confirmation: 8823  
Art Unit: 3722  
Examiner: Walsh, Brian D.

For: SHAFT TOOL WITH FIXEDLY DISPOSED WINGLIKE INSERTS

**CERTIFICATION UNDER 37 C.F.R. 1.10\***

(Express Mail label number is mandatory.)

I hereby certify that this correspondence and the documents referred to as attached herein are being deposited with the United States Postal Service on this date **March 9, 2004** in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EV 438993960 US** addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Helen Murray Tarbi

(type or print name of person mailing paper)

*Helen Murray Tarbi*  
Signature of person mailing paper

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

**WARNING:** 35 U.S.C. 132(b) and Section 1.114 provide for the continued examination of an application and **not** examination of a continuing application). Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**WARNING:** A continued examination request **cannot** be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 C.F.R. 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination; or (4) an application for a design patent. 37 C.F.R. Section 1.114(d).

**NOTE:** There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

**NOTE:** Unlike a continuation application, a continued examination request **can** utilize the mailing procedure of 37 C.F.R. 1.8. See 37 C.F.R. Section 1.8(a)(2)(i)(A).

03/12/2004 MGE BREM1 00000111 10019749

01 FC:2801 385.00 OP

03/12/2004 MGE BREM1 00000111 10019749

02 FC:2252 155.00 OP

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## TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted (petition filed herewith).
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

*NOTE: If such a notice is not sent to the Board, they may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under Section 1.114.*

- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 14
- or ☐ Commencement of a civil action under 35 U.S.C. 146
- ☐ Prior to the filing of such appeal or commencement of civil action
- ☐ Such appeal or commencement of civil action has been terminated

## ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure statement (37 C.F.R. Section 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B) and two references
- ☐ New arguments
- ☒ Copy of Response to Final Office Action Under 37 CFR 116 (previously filed January 20, 2004).
- ☐ Preliminary Amendment
- ☐ New evidence in support of patentability
- ☐ Petition for Suspension of Prosecution

## FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☒ Small entity (and status is still as small entity)
- ☐ Other than a small entity

Continued Prosecution Request Fee      \$ 385.00

## FEE FOR CLAIMS

**NOTE:** "The fee for continued examination under Section 1.114 (Section 1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

37 C.F.R. 1.53(d)(3) : "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in Section 1.16; and

(ii) Any additional Section 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under Section 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application."

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)		(Col. 2)	(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	Minus		= 0	x \$9 =	\$		x \$18 =	\$0.00
Indep.	Minus		= 0	x \$43 =	\$		x \$86 =	\$0.00
[ ] First Presentation of Multiple Dependent Claim				+ \$145 =	\$		+ \$290 =	\$
					Total Addit. Fee	OR	Total Addit. Fee	\$0.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. Section 1.116.

(complete (c) or (d), as applicable)

(c) ☒ No additional fee is required.

OR

(d) ☐ Total additional fee required

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